

HB2024

Appropriation

- Provides \$10.3 million be appropriated to DES from the general fund to maintain current staffing and service levels for child protective services. Excuses DES from the provisions of 35-131 (D)(2), which would otherwise require that DES report monthly how it will reduce services and staff to meet the shortfall.
- Provides for \$6,304,300 million to fund reform efforts that will allow CPS to conduct 100% investigations of reports of abuse and neglect, reduce caseloads of CPS workers to national standards, provide additional compensation for CPS workers (including monthly stipends for CPS investigators), increase the foster rate reimbursement rate for foster parents (first increase since 1996) and replace outdated information technology equipment.
- Provides for \$675,000 for FY2003-2004 through FY2005-2006 from the state general fund to DES for residential drug treatment.
- Provides for \$25,000 to fund an additional position to DHS to conduct the home inspections for the licensing of foster homes.
- Provides that any monies remaining unexpended and unencumbered from the above appropriations at the end of the fiscal year be reverted to the state general fund.
- Provides that the Auditor General report monthly to the staff director of JLBC on the expenditure of the appropriations made in this section.

Policy

- **Mission:** Amend the definition and mission of CPS to focus on its primary purposes to: (1) protect children by investigating allegations of abuse and neglect, (2) promote the well-being of a child in a permanent home and (3) coordinate services to strengthen the family and prevent abuse or neglect.
- **Joint Investigations:** Requires joint investigations by CPS and law enforcement for the most serious allegations of abuse and neglect according to written protocols to be established in each county (by July 1, 2004). Sets forth certain elements that must be included in those protocols, including standards for interdisciplinary investigations, regular notification of case status, and an annual report to the Governor and Legislature. Requires training of CPS investigators in forensic interviewing and processes.
- **Initial Screening and Safety Assessment Protocols:** Requires DES to establish initial screening and safety assessment protocols in consultation with prosecutors, law enforcement, medical professionals, victim rights advocates and mandatory reporters by July 1, 2004.
- **Oversight and Accountability:** Requires the Office of the Auditor General to establish an audit team to be located in DES to provide ongoing performance review of CPS and prescribes the duties of the audit team. Requires DES, the Office of Strategic Planning and Budgeting, and the Joint Legislative Budget Committee to develop a financial and program accountability reporting system for CPS. Expands the duties of the Joint Legislative Committee on Children and Family Services to include the requirement to meet at least annually to review fatalities related to child abuse or neglect and review child abuse and neglect reports, including the action taken by CPS to protect children. Also provides the Committee with access to all CPS records upon request of the chairman or majority vote of the Committee. Requires, through session law, DES to establish

evaluation criteria for CPS that includes (1) a means for CPS employees to evaluate the CPS program, (2) a means for foster parents to evaluate the CPS program and (3) a means to measure ongoing improvements in CPS using scientific methodology, including measurement of Arizona's success to other states.

- **Investigative Units:** Requires the DES Director to establish to the maximum extent possible separate investigative units and to provide a 10% stipend to CPS investigative case workers with three or more years of experience.
- **Family Builders:** Maintains the Family Builders program. Provides that CPS can only refer cases to the Family Builders provider after CPS has investigated the report.
- **Caseload Standards:** Requires the Department to develop and adopt its own caseload standards before July 1, 2004, and report those standards to the Joint Legislative Committee on Children and Family Services.
- **CPS Records:** Requires that CPS information be maintained by the Department as required by Federal law. Provides that the exceptions for the public release of information shall be construed as broadly as possible. Requires the Department to provide CPS information to specific persons or agencies that have a legitimate need for the information. Allows a person who is the subject of a report that he or she believes was made in bad faith to petition the court for release of the CPS information.
- **Open Proceedings/Court Records:** Maintains existing law allowing any party who is the subject of an investigation to request that a dependency hearing or trial be open to the public and requires the juvenile court to notify them of that right. Expands the pilot program to all counties in the state as follows: In counties with a population of more than 500,000, the pilot must include at least 10% of the cases; in counties with a population of 500,000 or fewer but more than 150,000, the pilot must include at least 5% of the cases; in counties with a population of fewer than 150,000, the pilot must include at least 5%, but no more than 10% of the cases. Provides that except as provided in section 8-807 (regarding confidentiality of CPS information), records relating to a proceeding are open to public exception; includes several exceptions to this public inspection, including audio or videotapes of a child being interviewed as to the abuse allegations, photographs, medical records, portions of the records that identify the source, and portions of the records that identify where the child is placed. Extends the duration of the pilot projects by a year until December 31, 2005.
- **Substance Abuse:** Clarifies that in determining whether a child has been neglected, consideration shall be given a parent's drug or alcohol abuse, including a mother's abuse of a dangerous drug, narcotic drug or alcohol during pregnancy if the child is demonstrably adversely affected at birth or within the first year of birth. Requires consideration of a parent's drug or alcohol abuse in the determination of child neglect. Clarifies that a child may be taken into temporary custody if the child has been physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. Provides that in making the determination of whether to take a child into temporary custody, consideration be given to whether a parent is willing to participate in certain substance abuse treatment services.
- **Residential Treatment:** Requires DES to contract with a community or faith-based provider to conduct family assessments and provide case management and necessary services, including residential treatment, in order to protect children and support families with substance abuse issues, including families whose children are in danger of being removed from the home.
- **In-Home Intervention:** Establishes "in-home intervention" as an alternative to a formal dependency process where that process is stayed if the children can remain safely in the home and the parent(s) agree to participate in services; the court may intervene and reinstate the dependency process if the parents fail to comply. Provides that the in-home intervention order shall include a specific time for completion not to exceed one year without approval of the court.

- **Jury Trials:** Allows the parent to request a jury trial at a hearing to terminate parental rights. Repeals the ability to request a jury trial on January 1, 2007.
- **Psychiatric Medication:** Provides that a parent's refusal to put a child on a psychiatric medication or who questions the use of a psychiatric medication shall not be considered to have abused or neglected a child for that reason alone.
- **Central Registry:** Provides that the Central Registry may be checked for employment purposes with any state agency or contractor that provides services to children or vulnerable adults.
- **Child's Rights:** Provides that a child, through the child's attorney or guardian ad litem, has the right to be informed of, present at, and be heard in dependency or termination of parental rights proceedings.
- **Removal Review Teams:** Provides for an additional member of the Foster Care Review Board be included on the Removal Review Team and requires that a child not be removed (or, if already removed, returned home) unless a majority of the review team members agree that removal is necessary.
- **Temporary Custody:** Clarifies that if a child is taken into temporary custody, that child's sibling may only be taken into temporary custody if reasonable grounds independently exist to believe that temporary custody is clearly necessary to protect that child from abuse or neglect.
- **Courts:** Clarifies that the courts shall make protecting the child from abuse or neglect the court's primary consideration and first priority.
- **False Reports:** Prescribes a class 1 misdemeanor for intentionally filing a child abuse or neglect report that the person knows is false. Adds to the information a court must consider in determining child custody whether either parent has been convicted of a false child abuse or neglect report.
- **Miscellaneous Notice Requirements/Standards:** Requires the court to provide five days notice of periodic disposition review hearings to shelter care facilities or receiving foster homes. Requires a CPS case worker, upon initial contact with the family, to inform a parent of the specific complaint or allegation against that parent. Requires that when a child is taken temporary custody, the case worker not only notify the parent in writing but also verbally (when the parent can be located). Provides that a child may only be withdrawn from a foster home placement according to written Department standards.